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pools, or drive away cattle which it sees drinking the oil. To be consistent our court would have to repudiate this ruling should such case come before them, for surely no greater measure of protection could with propriety be extended to an animal than is allowed to a child of tender years.

Right of Action for Slander for Vile Epithets.—The rule as supported both by reason and the weight of authority is that applying the vile epithet "son of a bitch" to a man, unaccompanied by words charging crime or involving moral turpitude, are not actionable at common law unless special damage is proven, which would generally be difficult to prove, because, as was said in one case, such epithets are of that unreasonable, inaccurate and unmeaning character which are usually found in a verbal assault made with the purpose of insulting the person addressed, and without the purpose of making any specific charge, and of evincing the contempt and exasperation of the person speaking. *Carrick v. Joachim* (La.), 52 So. 173, 28 L. R. A., N. S., 85, and cases cited in note. But under our statute of insulting words, an action would certainly lie, because such an expression is "construed as an insult and tends to violence and breach of the peace."

Postdated Checks.—A postdated check (i. e., a check dated at a time in future) is not subject to payment or acceptance until the time of its date arrives. If it be presented at a time in advance of its date, the drawee, even if he has funds on hand sufficient to pay it, cannot pay it, or retain the fund to pay, as against other checks or drafts presented and payable prior to the time the check bears date. The drawer of a postdated check does not undertake to have the funds in the drawee's hands to meet it before the time at which the check bears date arrives. *Smith v. Maddox-Rucker Banking Co.* Court of Appeals of Ga., Sept. 28, 1910, 68 S. E. 1092, citing *Joyce* *Defenses to Commercial Paper*, § 490.

Right to Affirmative Relief on Petition for Interpleader.—*McKinney v. Daniels*, 68 S. E. 1095. Supreme Court of Georgia. Sept. 24, 1910. Syllabus by the Court. A party indebted upon a note representing the balance of the unpaid purchase money for certain lands in this state, to which he held bond for title, can maintain an equitable petition in the nature of a bill of interpleader against two foreign administrators with the will annexed of the deceased payee, where each of the two administrators claims that he is the rightfully appointed administrator with the will annexed, and entitled to collect the money due on the notes, and the petitioner cannot, without reasonable apprehension of danger, determine which of the two claimants of the fund is rightfully entitled thereto, upon offering to pay the fund in controversy into the registry of the court, that it may be awarded to

the successful one of the parties required to interplead. A petition alleging these facts is not open to general demurrer, although petitioner prays for the affirmative relief of a judgment decreeing the title to the land purchased as aforesaid to be in him, upon the payment of the balance of the unpaid purchase money. (Additional Syllabus by Editorial Staff.) A bill in the nature of a "bill of interpleader" is one where complainant seeks relief of an equitable nature concerning the fund or subject-matter in the suit, in addition to the interpleader of conflicting claimants, and complainant is not required, as in strict interpleader, to be an indifferent stakeholder without interest in the subject-matter; but the facts on which he relies must entitle him to equitable rather than legal relief. He is not permitted under the guise of a bill in equity, to litigate a purely legal claim or interest in the subject-matter. Quoting 5 Powny's Ed. Jur., § 60.

Right of Stockholder to Enjoin Action under Illegal Amendment of Charter.—*Woodruff v. Columbus Inv. Co.*, 68 S. E. 1103. Supreme Court of Georgia. Sept. 30, 1910. Syllabus by the Court. If an unauthorized and illegal amendment to its charter has been accepted by a corporation and is about to be acted upon, a stockholder, who has not assented thereto or become estopped from complaining, may bring an equitable proceeding to enjoin or set aside any action by the corporation under the amendment. 1 Cook on Stock and Stockholders (3d Ed.) pp. 638-641, §§ 502, 503. But where an amendment to a charter of a corporation was obtained and accepted, reducing the capital stock, and all of the stockholders (of whom there were apparently many), save two, surrendered their shares upon the terms provided in the amendment, and received amounts of money and the lesser amounts of stock in accordance therewith, and where the corporation proceeded to do business upon the new basis for about a year, with the knowledge of one of the nonconsenting stockholders, and a dividend of a certain per cent. was then declared, he could not recognize such a declaration and sue and recover the dividend, basing the amount of his recovery upon the amount of his stock unreduced and the per cent. declared, while others were paid on the basis of the reduced stock; no proceeding having been instituted to set aside the illegal action complained of by him.

Joint Liability of Master and Servant.—It was held in a recent well-considered Georgia case, decided September 22, 1910, that while a railroad company and its engineer may be jointly sued for negligent homicide where the negligence of the company results solely from the act of the engineer, yet the company can only be held liable upon the principle of *respondeat superior*. In other words the company's liability can only flow through the employee. And therefore if the